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In Pro Per Claim No 108715

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION,

and

PACIFIC GAS AND ELECTRIC COMPANY,

Debtors.

Affects both Debtors.

** All papers shall be filled in the Lead Case, No 19-90088*

(DM)

Bankruptcy Case No. 19-30088 (DM)

Chapter 11

(Lead Case) (Jointly Administered)

**CREDITOR DAVID P. ADDINGTON'S
SCHEDULING STATEMENT FOR
CLAIM NO. 108715**

[Related to Docket No. 13481]

Date: February 22, 2023

Time: 10:00 a.m. (Pacific Time)

Place: Videoconference Appearance Only

United States Bankruptcy Court

Courtroom 17, 16th Floor

San Francisco CA 94102

In advance of the February 22, 2023, 10:00 a.m. omnibus hearing (the "Hearing"), Addington, Creditor in the above-captioned chapter 11 cases (the "Chapter 11 Cases"), hereby submits this statement in connection with Motion for Quiet Title, Declaratory Relief and to Amend Claim No. 108715 [Dkt. No. 13481] (together with its exhibits filed around that date at Dkt. Nos. 13480 and 13487 the "Motion to Amend").

1 The Reorganized Debtors believe that Mr. Addington's combined claims in the First
2 Amended Claim and the Motion to Amend can be disposed of through an Amended Motion for
3 Summary Judgment. However, the courts have found that it is an error to enter a summary
4 judgement where declaratory relief is sought.

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6 *Where complaint is legally sufficient and sets forth facts and circumstances showing that a*
7 *declaratory adjudication is appropriate, it is an error to enter a judgment for defendants on the*
8 *pleadings. Chas. L. Harney, Inc. v. Contractors' State License Board (Cal. 1952), 39 Cal. 2d 561,*
9 *247 P.2d 913, 1952 Cal. LEXIS 285*

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11 As Summary Judgement is not appropriate in this instance, Addington proposed a
12 schedule that would address his Quiet Title and Declaratory Relief actions separately.
13 Reorganized Debtors did not agree with his proposed schedule.

14 Addington mistakenly thought that the Motion to Amend as drafted would trigger an
15 Adversarial Proceeding. The Court's tentative scheduling ruling and the Reorganized Debtors'
16 scheduling statement agree that Addington's action for Quiet Title and Declaratory Relief should
17 have been filed as an Adversarial Proceeding.

18 Addington has just prior to filing this scheduling statement, filed his action as an
19 Adversarial Proceeding. Addington and the Reorganized Debtors' conflicts and claims emanate
20 from the their respective, and vastly different, understandings of the easements rights and
21 responsibilities. The parties must have a single understanding on these issues before the Court
22 can dispose of the claims now pending, which understanding requires resolution of the
23 Declaratory Relief and Quiet Title actions.

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25 *Declaratory relief has for its purpose an éclaircissement or a liquidation of doubts with*
26 *respect to uncertainties or controversies which might otherwise result in subsequent litigation.*
27 *Jackson v. Lacy (Cal. App. 1940), 37 Cal. App. 2d 551, 100 P.2d 313, 1940 Cal. App. LEXIS 565.*
28

1 **PROPOSED SCHEDULE**

2 Addington believes that the following schedule represents an efficient use of the Court's
3 and the parties' time and resources to bring the litigation surrounding my claim to a considered
4 resolution.

5 1. The Motion to Amend shall be deemed to be a supplement to the First Amended Claim
6 (the "Supplement").

7 2. The Parties will conduct the Adversarial Proceeding according to a scheduling order in
8 keeping with such proceedings.

9 3. The Parties will meet and confer within 7 days of Court order and submit scheduling
10 statement(s) to resolve Addington's claim as amended.

11 4. All available rights, arguments, and defenses of the Parties with respect to the First Amended
12 Claim and its Supplement are reserved.

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14 Addington looks forward to discussing these issues at the hearing.

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16 /s/ David Preston Addington

17 By: David Preston Addington
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